

REMARKS


Claims 1-6 and 8-12 remain pending in the instant application after the foregoing amendments. Claims 7, 13 and 14 have been canceled without prejudice to filing a continuation application on the subject matter of those claims.

The Examiner has stated that Claims 1-6 are allowable and that Claims 9-12 are objected to as being dependent on a rejected base claim.

The Examiner has rejected Claims 7, 8 and 14 as being anticipated under 35 U.S.C. 102(b) by the disclosure of WO 00/78740. The Examiner suggests that the PCT WO 00/78740 disclosure teaches the compounds of Claims 7 and 14 (and the first compound of Claim 8) because the formula I on page 7 of the WO 00/78740 disclosure, when Y is equal to Br or Cl and other variables are specifically selected from a broad list of variable. Applicants respectfully contend that the Examiner is improperly using hindsight from Applicants own disclosure to select variable and substituents from thousands of possible combinations and therefore the rejection under 102(b) is improper and should be withdrawn. However, in order to advance the prosecution of the instant application, Applicants have cancelled Claims 7 and 14 without prejudice and amended Claim 8 to remove the first recited compound. In light of those amendments, the rejection under 35 U.S.C. 102(b) is now moot and should be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,


By _____

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